IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 584/1998

SMT. REKHA @ SUREKHA Vs. SHRI BANWARI LAL & ORS.

DATE: 11.04.2007.

HON'BLE MR. K.S. RATHORE, J.

None present for the petitioner.
Mr. B.S. Chhaba, Public Prosecutor for the State.
Mr. Anand Sharma for the accused-respondents.

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This criminal revision petition under Section 397/401 Cr.P.C. is directed against the judgment dated 08.01.98 passed by the Civil Judge (Jr. Division) & Judicial Magistrate First Class, Viratnagar, District Jaipur in Criminal Case No. 35/93, whereby accused-respondent Nos. 1 to 6 have been acquitted from the offence under Section 498-A IPC.

I have gone through the averments made in the revision petition, heard learned counsel for the accused-respondents as well as learned Public Prosecutor for the State and have also gone through the impugned judgment dated 08.01.98 as also the relevant record.

The Court below has thoroughly considered each and every aspect including the evidence of the witnesses and the material available on record and has observed that the complainant-petitioner and the prosecution have utterly failed to prove the offence under Section 498-A

IPC against the accused beyond doubt. On the contrary, all the articles which were received in the marriage as gift have been returned and to this effect receipt was also executed on 24.06.91.

It is also contended by the learned counsel appearing for the accused-respondents that after divorce decree the petitioner has remarried with Ramesh Chand and she also lodged a complaint against Ramesh Chand for the offence under Section 498-A, 406 and 323 IPC after remarriage and the same is pending. A copy of the FIR which was lodged at Police Station Dausa on 08.07.95 is also placed for perusal of this Court.

Upon careful perusal of the impugned judgment and the material available on record, I find no illegality or error in the impugned judgment dated 08.01.98 passed by the Civil Judge (Jr. Division) & Judicial Magistrate First Class, Viratnagar, District Jaipur by which the accused-respondents have been acquitted from the offence under Section 498-A IPC as no case under the aforesaid offence is made out again them. No interference whatsoever is required by this Court.

Consequently, the revision petition fails and the same is hereby dismissed.

Record be sent back forthwith.

(K.S. RATHORE),J.

/KKC/